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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/869,247

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Mikko Puuskari

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7590

12/15/2004

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EXAMINER

BHANDARI, PUNEET

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

OK

Office Action Summary	Application No. 09/869,247	Applicant(s) PUUSKARI, MIKKO	
	Examiner Puneet Bhandari	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09/14/01.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1, 2, 10, 14 and 17 is/are rejected.
- 7) Claim(s) 3-9, 11-13, 15, 16, 18 and 19 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Art Unit: 2666

Double Patenting

1. Claim **19** objected to under 37 CFR 1.75 as being a substantial duplicate of claim **18**. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2666

2. Claim **1, 10, 14 and 17** are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Haumont et al (US 6,233,458). The Haumont et al (US 6,233,458) reference discloses all of the limitations of the listed claims for the reasoning that follows.

Regarding claim **1**, method of controlling selection of a gateway support node to be used in telecommunications system is anticipated by "*GGSN can be changed during a connection*" disclosed in column 10, line 2-3 which comprises at least one support node serving a subscriber of telecommunication system, a first and a second gateway support node is anticipated by "*GPRS Network*" disclosed in fig.4 and column 2, line 5-12, wherein the method comprises the steps of:

Defining at least one condition for the first gateway support node, so that when the condition is fulfilled, the second gateway node is more suitable for transmitting packets is anticipated by "*A need to change key element in the connection can arise for many reasons*" disclosed in column 04, lines 7-10.

Detecting that the condition is fulfilled is anticipated by "*basic idea of the invention is to change a key network element in connection without interrupting the traffic*" disclosed in column 4, line 30.

Sending a first message indicating the second gateway support node to the serving support node is anticipated by "*GGSN can be changed during a connection*" disclosed in column 10, line 2-3.

Regarding claim **10**, A packet switched telecommunication system comprising a support node (SGSN) serving the subscriber of the

Art Unit: 2666

telecommunications system, a first and second gateway node support node (GGSN1, GGSN2, GGSN3) is anticipated by "*GPRS Network*" disclosed in fig.4 and column 2, line 5-12, wherein

In response to fulfillment of a predefined condition, the first gateway support node is arranged to send to the serving node a first message indicating the second gateway support node which is more suitable for transmitting packets, is anticipated by "*basic idea of the invention is to change a key network element in connection without interrupting the traffic*" disclosed in column 4, line 30 and "*GGSN can be changed during a connection*" disclosed in column 10, line 2-3.

In response to receiving the first message, the serving support node is arranged to activate establishment of tunnel to be used in transmission of packets with the second gateway support node indicated is anticipated by "*transmitting of user data packet to GGSN*" disclosed in column 6, lines 48-49.

Regarding claim 14, A gateway support node of a packet network which is arranged to communicate with the support node serving a subscriber of the packet network is anticipated by "*GPRS Network*" disclosed in fig.4 and column 2, line 5-12, wherein

The gateway support node is arranged to transmit, in response to fulfillment of a predetermined condition, a first message indicating another gateway support node which is more suitable for transmitting packets to the serving support node is anticipated by "*basic idea of the invention is to change a*

Art Unit: 2666

key network element in connection without interrupting the traffic" disclosed in column 4, line 30.

Regarding claim 17, A support node serving a subscriber of a packet network which is arranged to communicate with atleast first and second gateway support node of the packet network is anticipated by "*GPRS Network*" disclosed in fig.4 and column 2, line 5-12, wherein

The serving support node is arranged, in response to the address of the second gateway support node included in the message received from the first gateway node, to activate establishment of a tunnel used for transmitting packets with the second gateway support node is anticipated by "*transmitting of user data packet to GGSN*" disclosed in column 6, lines 48-49

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont et al. (US 6,233,458) in view of Lager et al (US 6,636,502). Haumont et al. (US 6,233,458) teaches all the limitations of claim 2 (see 102 rejection above) except Haumont et al. does not expressly disclose a method negotiating a selection and establishment of connection with GGPRS node. Lager et al (US 6,636,502) discloses a method which allows to negotiate which GGSN would be

Art Unit: 2666

more suitable for packet transfer (see column 08, lines 50-52). At the time the invention was made, it would have been obvious to a person in ordinary skill in art to enhance the telecommunication system of Haumont et al. (US 6,233,458) by adding a procedure to select an appropriate GGSN as indicated by Lager et al (US 6,636,502). One in ordinary skill in art would have been motivated to do this to allow GPRS subscriber a more flexible use of several external networks connected to GPRS system (see column 8, lines 55-60).

Allowable Subject Matter

5. Claims **3-9,11-13,15,16, 18 and 19** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim **3**, the prior art of record teaches a method of establishing the tunnel between the serving support node and the first gateway support node, selecting the appropriate gateway node based on set conditions. The prior art of record fails to teach passively method to remove the tunnel in the first gateway support node if the said condition is fulfilled.

Regarding claim **5**, the prior art of record teaches a method of establishing the tunnel between the serving support node and the first gateway support node, selecting the appropriate gateway node based on set conditions. The prior art of record fails to teach passively method of exchanging acknowledgement between the gateway support node and serving support node to remove the tunnel.

Regarding claim **7**, the prior art of record teaches a method of establishing the tunnel between the serving support node and the first gateway support node,

Art Unit: 2666

selecting the appropriate gateway node based on set conditions. The prior art of record fails to teach passively method to remove the tunnel in the first gateway support node if the said condition is fulfilled.

Regarding claim 11, the prior art of record teaches a method of establishing the tunnel between the serving support node and the first gateway support node, selecting the appropriate gateway node based on set conditions. The prior art of record fails to teach passively the telecommunication system comprises a database where information on gateway support nodes are stored.

Regarding claim 12, the prior art of record teaches a method of establishing the tunnel between the serving support node and the first gateway support node, selecting the appropriate gateway node based on set conditions. But the prior art of record fails to teach passively a telecommunication system, wherein the first gateway support node is arranged to check for atleast one predefined condition in response to receiving message requesting establishment of a tunnel from the serving support node.

Regarding claim 13, the prior art of record teaches a telecommunication system comprises a tunnel used for transmitting packets between the serving support node and the first gateway support node. The prior art of record fails to teach a first gateway support node is arranged to detect a change in operating conditions and check at least one of the said predefined conditions in response to detecting a change

Regarding claim 15, the prior art of record teaches a message-requesting establishment of a tunnel from the serving support node. But the prior art of

Art Unit: 2666

record fails to teach gateway support node, is arranged to check at least one said predefined condition the response of gateway node to receiving a message requesting for establishment of tunnel from the serving support node.

Regarding claim **16**, the prior art of record teaches a telecommunication system comprises a tunnel used for transmitting packets between the serving support node and the first gateway support node. The prior art of record fails to teach a gateway support node is arranged to detect a change in operating conditions and check at least one of the said predefined conditions in response to detecting a change.

Regarding claim **18**, the prior art of record teaches a serving support node using a tunnel used for transmitting packets between the serving support node and the first gateway support node. The prior art of record fails to teach method to remove the existing tunnel to the first gateway support node in response to successful establishment of a tunnel to a second gateway support node.

Regarding claim **19**, the prior art of record teaches a serving support node using a tunnel used for transmitting packets between the serving support node and the first gateway support node. The prior art of record fails to teach method to remove the existing tunnel to the first gateway support node in response to successful establishment of a tunnel to a second gateway support node.

Regarding claim **4**, it is further limiting claim 3 and is thus allowable over prior art of record.

Regarding claim **6**, it is further limiting claim 5 and is thus allowable over prior art of record.

Art Unit: 2666

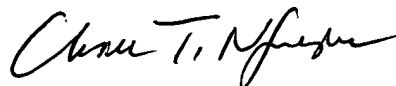
Regarding claims **8 & 9**, these further limiting claim 7 and is thus allowable over prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Puneet Bhandari whose telephone number is 571-272-2057. The examiner can normally be reached on 9.00 AM To 5.30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit 2666